

AMENDED COMPLAINT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINAJames W Alexander
317680

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

S.C.D.C. Warden Charles Mitchell Williams
S.C.D.C. A/W Giddell A/W Robinson Major
marshal Mr. Rogers Ms. Harris.

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil
Rights
(Prisoner Complaint)Case No. 4:18-3568-BHH-TER
(to be filled in by the Clerk's Office)Jury Trial: ☒ Yes ☐ No
(check one)RECEIVED
USDC CLERK, FLORENCE, SC
2019 FEB 25 PM 12:10RECEIVED
USDC CLERK, FLORENCE, SC
2019 FEB - 6 AM 10:25

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name James Walter Alexander
 All other names by which you have been known: F24 192
 ID Number A317680
 Current Institution 386 Redemption way McCormick
 Address MCCORMICK SC. 29899 Prison

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Charles mitchelle Williams
 Job or Title SC.DC warden for McCormick CI
 (if known)
 Shield Number unknown
 Employer S&DR Head quarter in Columbia
 Address 386 Redemption way
mccormick SC. 29899
☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name ms. Glidwell

Job or Title (if known) A/W At McCormick Prison over programs
 Shield Number unknown
 Employer SCDC
 Address 386 Redemption way
McCormick SC. 29899
☒ Individual capacity ☐ Official capacity

Defendant No. 3

Name ~~Thomas Robinson~~ Thomas Robinson
 Job or Title (if known) A/W At McCormick Prison over security
 Shield Number unknown
 Employer SCDC
 Address 386 Redemption way
McCormick SC. 29899
☐ Individual capacity ☐ Official capacity

Defendant No. 4

Name MS Marshall
 Job or Title (if known) major over security at McCormick
 Shield Number unknown
 Employer SCDC
 Address 386 Redemption way
McCormick SC. 29899
☐ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

Note: Employee's staff refused
to reveal Mr. Rogers' or Ms. Harris' first names

Mr. Rogers

Job or Title
(if known)

Communicary employee

Shield Number

Unknown

Employer

SCDC

Address

386 Redemption Way
McCormick SC. 29894

☒ Individual capacity

☐ Official capacity

Defendant No. 3

Name

Ms. Harris

Job or Title
(if known)

Communicary employee

Shield Number

Unknown

Employer

SCDC

Address

386 Redemption Way
McCormick SC. 29894

☒ Individual capacity

☐ Official capacity

Defendant No. 4

Name

Job or Title
(if known)

Shield Number

Employer

Address

☐ Individual capacity

☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

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Page 1

Defendant: 1 Warden Charles Mitchell Williams acted under color of statute at any an all times. Defendant Warden Charles M. Williams on 8-13-18 under the direction an order of S.C.D.C. Headquarters personally overseen the S.C.D.C. movement of inmates here at McDowell CI an personally gave orders that all inmates in EYB being be taken from there cell shipped out of there tan uniforms an put in orange uniforms an there body be searched an pictures of there tattoos by camera. He also ordered his employees A/W Glidwell an A/W Robinson community employees Mr. Rogers an Ms. Harris an other employees that no inmate was to pack his belongings that community employees will go threw all property for extra materials that A/W Glidwell an A/W Robinson an major marshal over see everything an make sure no inmate had possession of any an all contraband an that all inmate be given there correct property an that if any thing is missing to direct inmates to file a Request to Warden Williams an community Mr. Rogers an Ms. Harris, so when he received said Request to him an received call from alot of his employees (including his A/W's) an major an community employees that alot of inmates was missing property he then had knowledge of the problem upon receiving my request an grievance forms an violating the situation he acted under color of statute an local law by not first investigating the situation to find truth or false by continuously for 5 months an is still ongoing as of today 1-22-19 has willfully purposely an Deliberately subjected Plaintiff to cruel an unusual punishment By subjecting Plaintiff to Bed bugs, Rashes an bed sores, an to severe, cold air conditioning By Depriving said Plaintiff of state local law stating that an inmate in county jail or state or Fed prison must be provided with meals, proper Bed clothing such as sheets an blanket must provide all inmates with proper clothing, Boxers socks, shoes, pants, shirt, towel an washcloth. Defendant has acted under the color of statute an violated state an local laws an should be held accountable.

Defendant A/W Glidwell acted under color of statute of state or local law when she followed orders from Warden Charles M. Williams an overseen all inmates property, suited there on 8-13-18 an by which inmates started complaining an writing Request to her that certain properties was missing her job over programs in this situation was to inform community employees Mr. Rogers an Ms. Harris that they may need to go to said inmates room an search to make sure the complaint was true or not an if it was true to direct community employees Mr. Rogers an Ms. Harris to direct inmates missing community items. By ignoring this situation after it was being to her attention an by not doing anything she is also liable just as Warden Charles M. Williams. Violating constitution

Defendant: Thomas Robinson A/W over security acted under color of statute of state an local law by on 8-13-18 acting under order of Charles M. Williams to oversee the massive S.C.D.C. movement of inmates from FYB to F2 being an make sure all inmates received there property an if anything was missing to direct inmates to request to staff to A/W Robinson A/W Glidwell an Warden Williams an community employees when this situation was being to his attention an he ignored it for 5 months an still on going he purposely an Deliberately subjected me AS did A/W Glidwell an Warden Charles M. Williams to cruel an unusual punishment State an local law states all inmates be provided with basic needs such as Bed clothing, clothing for body, meals ect Violating constitutional rights

Section D Page 4

(Page 2)

Defendant: major marshal, acted under color of Statute of State an local law at all times by following the orders given by warden Charles W. Williams A/W Thomas Robinson A/W Glidwell on 8-13-18. She is the major over security an was also directed to oversee all inmates property an to make sure all inmates received their correct property. After all inmates was moved from F4 Bldg to F2 Bldg on 8-13-18 an to direct all inmates missing any thing to send Request to warden Williams A/W Glidwell A/W Robinson an herself an commissary employee. In this situation she had knowledge after I bring my situation to her attention, she ignored this situation an is still ignoring this situation an this situation started on 8-13-18 an still to this date 1-22-19 an on going has still not been seen to this is cruel & unusual punishment violating state an local law an constitutional rights.

Defendants: Mr. Rogers & Ms. Harris commissary employees, acted under color of statute of state an local laws with state that all prisoners or inmates in county jail or state or fed prison must be provided with basic needs such as Bed clothing human clothing PLUS Towels wash cloths ect An meals on 8-13-18 after following order from warden A/Ws / major marshal Both Defendants where threw all inmates in F4 Bldg property in A Fast Pass where when my property an other inmates property was missing things. Inmates such as my self the Plaintiff was directed to send staff Request to the warden Both A/Ws the major an commissary employees Mr. Rogers an Ms. Harris I bring the situation of my said property missing an that By not providing me with clothing Boxers socks Towels wash cloths Bed clothing Sheets an Blanket Basic needs that They would be subjecting me to cruel & unusual punishment violation my 14th Admin constitution rights. This is still an on going matter that started on 8-13-18 an still Till this Date: 1-22-19 an on going still has not been handle.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Cruel & Unusual Punishment under 8th Admin
Constitutional Rights.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See Attached pages marked section D page 4

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee

IV. Part D on Page 5

an to Profile All Inmates again to Take All extra Property or Commensal Items
 An to confiscate All contraband. Then after All the Inmates are moved they
 will begin to fix the F4 Building. During this time, date, on massive movement
 No Inmate was allowed to Pack his own belongings. ~~was~~ This was ordered and
 Directed by warden Charles Mitchell Williams. He gave this order to A/W
 Glidwell, A/W Robinson, major marshal and Mr. Rogers and Ms. Harris the
 commissary employees. The warden said to direct any Inmate who states he
 is missing anything to send a Staff Request to him/A/W Glidwell and A/W
 Robinson. An major marshal Mr. Rogers and Ms. Harris and the concern will
 be looked into.

Upon me receiving my belongings in F2 B117 on 8-13-18 I noticed
 my TV. Both Bed sheets and Blanket, Boxers except 1 pair, All socks
 except 1 pair All towels and wash cloth, so I wrote to Warden
 Williams Both A/W's Glidwell and Robinson, major marshal and Mr. Rogers
 and Ms. Harris in commissary. I did this several times trying to use an
 exhaust All my Remedies. I mainly wrote about my sheets and blanket
 because state and local laws state that any Inmate or prisoner in custody
 are to be given there basic need or necessities such as Bed clothing to
 include sheets and Blanket, human clothing and ect. But every time I
 received an answer ~~no~~ I was told to write Mr. Rogers and Ms. Harris
 in commissary. I did so and there response was that it's my fault that
 I keep losing my property and that I had a history of losing stuff.
 with I don't have a history of that SCDC packs your things or left
 your roommate pack your things when you go to lock up stuff
 comes up missing. This is what I told them in my response Mr. Rogers
 and Ms. Harris refused to replace anything. I went to major marshal and
 Robinson who spoke to warden Charles M. Williams who told me to
 keep sending Request to staff and to file a Grievance which I did
 and no one still has not giving me Boxers socks, Towel wash cloth
 sheets or Blanket. my Grievance was Denied on first step
 stating I failed to file on time which is also not true. my proofs and
 the work but I can't get SCDC to give me a print out. This
 started on 8-13-18 it still has not been handled till this date
 1-22-19 and is still an ongoing situation. It's been 5 months. I
 still don't have any sheets, Blanket, Boxers socks towels wash cloth
 This lawsuit is not about my belongings any longer
 SCDC has treated me cruelly and unjustly punished me
 for 5 straight months. Violating the Constitution Rights

- ☒ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

This Incident is still on going. It happened At 386
Redemptionway McCormick SC. 29899 McCormick Prison
happend in F4 Bldg an F2 Bldg on Nov F2
Aming.

- C. What date and approximate time did the events giving rise to your claim(s) occur?

started on 8-13-18 8:30 Am - 4:30 pm, On going
still.

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

on 8-13-18 McCormick prison did A masike Drm movement
moving all inmates From F4 Bldg to F2 Bldg
To change inmates From tan Uniform to orange
continue on extra page.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I have been subjected to Bed rashes Because of no sheet & Blanket, I've been subjected to cold conditions from SCDC running the air condition all year around it's winter time and I've been freezing creating a pain and numbness in my legs and bones and mental abuse and physical PAIN & suffering

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want the court to first understand this lawsuit is

Not about my property any longer. It's about SCDC Violating my 8th Admin Constitution rights by treating me to cruel & unusual punishment by not replacing the property and that this has been going on for 5 months and is still ongoing. I'm asking for \$1,500 in money damages for the pain & suffering I've been subjected to and for the violation of my 8th Admin Rights.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

MCCORMICK CT 386 Redemptory
MCCORMICK SC. 29899

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

All -

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

at mccormick prison

2. What did you claim in your grievance?

That my 3rd Admin Rights has been violated
and I was being treated cruelly and unjust
that I was missing sheet & blanket ect.

3. What was the result, if any?

my Grievance was returned and denied
said I failed time frame

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

can't when The Grievance people
Return it like that, But I still keep
sending request to staff via kiosk
and still have not been given sheet & blanket ect
still ongoing.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

*The court already have a copy
of my grievance*

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes
☒ No

If so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

1. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)
- _____
- _____

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2-21, 2019

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

City

State

Zip Code

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm